

UNITED STATES DISTRICT COURT
 for the
 Southern District of Texas

United States Courts Southern
 District of Texas
 FILED

United States of America

v.

Jonathan Eric RUBIO
 Yagaira Jocelyn GONZALEZ

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)
)
)
)

Case No. C-22-1044M

Nathan Ochsner, Clerk of Court

09/13/22

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of September 11, 2022 in the county of Kleberg in the
 Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

8 United States Code § 1324

Did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law.

This criminal complaint is based on these facts:

(See Affidavit)

Continued on the attached sheet.

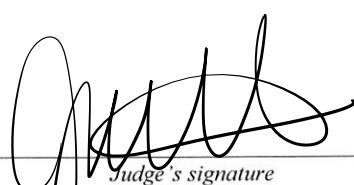


Gilbert Ruiz, HSI Special Agent

Printed name and title

Submitted by electronic means, sworn to,
 signature attested telephonically
 per Fed. R. Crim. P. 4.1 and probable cause found:

Date: September 13, 2022



Hon. Julie K. Hampton, U.S. Magistrate Judge

Printed name and title

City and state: Corpus Christi, Texas

AFFIDAVIT

The information contained in this report/affidavit is based upon my personal participation in the investigation, which included, but is not limited to information relayed to me by other agents and officers participating in the investigation.

Probable Cause/Facts:

On September 11, 2022, a vehicle stop initiated by the U.S. Park Rangers (USPR) at the Padre Island National Seashore (PINS) resulted in a 2 on 5 human smuggling case. USPR Calkins conducted the vehicle stop at mile marker 4 on a maroon Jeep Grande Cherokee due to speeding. CBP Air &

Marine (AMO) Marine Interdiction Agents (MIAs) assisted in the vehicle stop. USPR Calkins and MIA Garcia identified Jonathan Eric RUBIO as the driver. RUBIO was accompanied by Yagaira Jocelyn GONZALEZ and five (5) additional passengers. U.S. Border Patrol Agents (BPAs) also arrived on scene to assist and determined the five passengers were illegally present in the United States. RUBIO, GONZALEZ, and the smuggled individuals were placed under arrest and transported to the Corpus Christi USBP Station for further investigation.

Miranda Rights:

The principals were read their Miranda Rights in their preferred language. RUBIO and GONZALEZ stated they understood their rights and were willing to provide statements without the presence of an attorney.

The smuggled individuals were read their Miranda Rights in their preferred language. The material witnesses acknowledged understanding their rights and were willing to provide a statement without the presence of an attorney.

Defendant – Jonathan Eric RUBIO Statement:

RUBIO stated he works in McAllen, Texas but resides with his family in Reynosa, Mexico. RUBIO disclosed that he has known GONZALEZ for over a year and have mutual friends. RUBIO stated that he accompanied GONZALEZ in her Jeep through the POE in Mission, Texas on September 11, 2022. RUBIO initially claimed that the purpose of their trip was to travel to the PINS in order to fish and swim. RUBIO initially denied any involvement or knowledge that the undocumented individuals were at the beach. RUBIO later recanted his story and admitted that he agreed to pick up the undocumented individuals on the beach and was going to drop them off at a nearby hotel. RUBIO stated that he was going to receive \$1,000 from GONZALEZ to assist in the smuggling attempt.

Co-Defendant - Yagaira Jocelyn GONZALEZ Statement:

GONZALEZ stated she resides in Pharr, Texas but often visits her mother in Reynosa, Mexico. GONZALEZ acknowledged ownership of the Jeep Grand Cherokee and that she and RUBIO drove the vehicle through the POE in Mission the day prior. GONZALEZ stated they entered the PINS and drove to mile marker 58, where they picked up the undocumented individuals. GONZALEZ admitted that she and RUBIO were aware that the undocumented individuals were waiting for them to be picked up. GONZALEZ disclosed that they were going to drop the undocumented individuals at a nearby hotel, and were each going to receive \$1,000 as payment for the smuggling attempt.

Material Witness - Eduardo MORAN-Flores Statement:

MORAN stated he illegally entered the United States approximately three months ago and has been working in Mission, Texas. MORAN stated he was loaded into a red SUV that was driven by female

identified as GONZALEZ and transported to the beach. GONZALEZ handed the group a raft and three life jackets and instructed them to cross the channel. MORAN disclosed he was scared since he did not have a life jacket. MORAN recalled crossing at approximately 3:00 am, and stated the group waited until about 2:00 pm when they saw the vehicle driven by RUBIO and GONZALEZ arrive. MORAN claimed that the group asked for a ride, but disclosed that it was the same vehicle that dropped them off on the south side of the channel. MORAN identified RUBIO as the driver of the vehicle and GONZALEZ as the front seat passenger.

Material Witness - Gumaro ESTRADA-Guzman Statement:

ESTRADA disclosed he was held at a stash house after his illegal entry into the United States. ESTRADA recalled being taken to various locations until yesterday, when a red SUV transported him to the beach. ESTRADA described being dropped off at a location where the beach was separated by water and crossed on an inflatable raft. ESTRADA claimed they were not provided with information on the type of vehicle that was going to pick them up and asked someone in a red Cherokee for food and water. ESTRADA claimed that he was asleep the whole time he was inside the vehicle.

Material Witness - Julio Alberto LORENZO-Rojche Statement:

LORENZO stated he illegally entered the United States through Reynosa and was eventually driven to the beach in a red SUV driven by a female. LORENZO stated they were instructed to cross the channel and were given a raft but no life jackets. LORENZO recalled crossing at approximately 1:00 am and disclosed that he is not a great swimmer. At approximately 4:00 pm, the same vehicle that dropped them off on the south side of the channel arrived to pick them up on the north side. LORENZO stated the female driver was now seated in the front passenger seat. LORENZO identified GONALEZ as the driver and later passenger of the red SUV. LORENZO identified RUBIO as the driver of the vehicle on the north side of the channel.

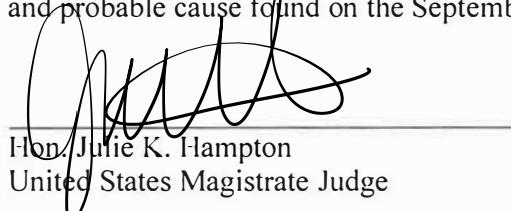
Disposition:

The case was accepted by the United States Attorney's Office against Jonathan Eric RUBIO and Yagaira Jocelyn GONZALEZ for prosecution for violating Title 8 USC 1324, Alien Smuggling. Eduardo MORAN-Flores, Gumaro ESTRADA-Guzman, and Julio Alberto LORENZO-Rojche will be held as material witnesses in this case. The remaining smuggled aliens will be processed accordingly.



Gilbert Ruiz
Special Agent
Homeland Security Investigations

Submitted by reliable electronic means, sworn to,
signature attested telephonically per Fed.R.Crim.P.4.1,
and probable cause found on the September 13th, 2022.



Hon. Julie K. Hampton
United States Magistrate Judge